THE HON'BLE SRI JUSTICE B. PRAKASH RAO
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NOs. 24972 OF 2006

ORDER: (per Hon'ble Sri Justice Ramesh Ranganathan)

DATE: 4-12-2006

BETWEEN:

1. The Principal,
Government College of Physical Education,
Domalguda, Hyderabad
And another … Petitioners

And

1. The Government of A.P.
rep. By its Secretary,
School Education Department,
Secretariat, Hyderabad and 2 others . … Respondents

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The present writ petition is filed, by the Principal of the Government College of Physical Education, arrayed as 4th respondent, eo-nominee, in the O.A. and the 2nd petitioner herein and, against whom malice has been alleged by the respondent – applicant, aggrieved by the order of the Tribunal dated 22.11.2006 in V.M.A.No.696 of 2006.

It was the case of the respondent – applicant before the Tribunal that, without the earlier orders dated 25.10.2005 and 18.3.2006 having been served on him, the proceedings dated 11.5.2006 and 12.5.2006 were issued. The respondent – applicant contended before the Tribunal that the petitioner herein, while not taking any action against any of the others who had been posted in the Government College of Physical Education, Domalguda, had singled him out and had sent proposals to the government to transfer him back to Mahabubnagar only because he was a witness in the departmental enquiry being held against the petitioner.

The question as to whether the said action of the petitioner herein is vitiated by malice or not is required to be adjudicated in

the main O.A. and, since the order impugned before us is only an interlocutory order of the Tribunal, we do not express any views on the merits of the case. Suffice to state that we see no reason, in view of the submission made in the O.A, to interfere with the order passed by the Tribunal. Since the pleadings in the O.A. are complete we deem it appropriate to direct the Tribunal to hear and dispose of the O.A. on its merits uninfluenced by any observations made by us in this order, as expeditiously as possible, in any event, not later than three months from the date of receipt of a copy of this order.

Subject to the above observations the writ petition disposed of. No order as to costs.

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B.PRAKASH RAO,J

Date: 4-12-2006

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RAMESH RANGANATHAN,J

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